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WHEN CONTRACTORS DEPLOY:
A GUIDE FOR THE OPERATIONAL COMMANDER

By

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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ABSTRACT

This paper offers an overview of the type, functions, history, legal ramifications, modern day efforts, benefits, and problems with using contractors on the battlefield. Furthermore, this paper also lists four recommendations for operational commanders and the military on how to better integrate contractors into the military effort, especially during hostile combat situations.

The number of contractors performing functions in support of United States military operations is continuing to increase as the number of military personnel declines. This increase in the number of contractors has led to an increase in the military's reliance on contractors. Contractors are no longer a luxury for the military, they are now required to perform many vital and mission critical functions for operational commanders on the battlefield. Furthermore, contractor civilians are no longer performing only generic base support functions. This paper will discuss issues and potential problems of contractors deploying in direct support of combat weapon systems and, in what some consider, operational combat roles.

INTRODUCTION

"We must conduct risk assessments to understand impacts on warfighting capability, operational tempo, and readiness before competing certain positions."

*General Henry H. Shelton,
Chairman of the Joint Chiefs of Staff*

The number of contractors performing functions in support of United States military operations is continuing to increase as the number of military personnel declines. This decrease in military personnel has also led to an increased reliance on contractors. These contractors are performing historical military functions to a greater extent than ever before in the history of the United States. Furthermore, operational commanders are facing a myriad of unique and developing issues to implement the national military strategy due to this increased reliance and number of contractors needed during hostilities. Contractor civilians are no longer performing only generic base support functions. In fact, as the author will argue, contractors are deploying in direct support of combat weapon systems and are performing operational combat roles.

To inform operational commanders of the extent and variety of issues involved with deploying contractors to the battlefield, this paper will address a number of areas. These areas include: history, types and functions, benefits, modern day efforts, operator versus support questions, legal implications, and potential problems. This paper will also list recommendations for operational commanders and the US military. One basic premise that must be fully understood is that contractor civilians are not members of the military and the contractor's compensation, loyalty, and performance resides with the corporation and not with the military.¹

HISTORICAL BACKGROUND

"As we have seen throughout history, and as has been dramatically underscored by Desert Shield, civilians fulfill a vital role in our trained and ready Army."

*- General Carl Vuono
Former US Army Chief of Staff*

Contractor civilians have fulfilled a vital and substantial role in the United States' military efforts that can be traced throughout American history. General George Washington hired contractors to move military supplies and equipment during the American Revolution.² In addition, contractors were hired to obtain food supplies, run communications, and provide medical services.³

More currently, contractors deployed in support of major theater wars and military operations other than war (MOOTW). These deployments include WWI, WWII, Korea, Vietnam, Desert Storm, Kosovo, Somalia, Macedonia, Rwanda, Angola, and others.

The amount of support which contract civilians provided to the United States military has always been significant.⁴ During the Vietnam War, more than 35 American companies deployed in support of Army, Navy, and Air Force units.⁵ The numbers of contractors continued to rise during Desert Storm, where the Army alone had 76 contractor companies deploy in support of military operations (see Appendix A).⁶ In Bosnia, which was a smaller operation than Vietnam and Desert Storm, the Army had 52 contractors that deployed in support of military operations.⁷

TYPES AND FUNCTIONS OF CONTRACTORS

There are three types of contractors that provide functions for the military. The first type of contractor is the system contractor which provides support for specific weapon systems or components. The common roles system contractors perform are item

management and weapon system sustainment. This type of contractor support usually extends over long periods in both wartime and peacetime and “will require the contractor’s presence on the battlefield and direct interface with soldiers.”⁸ According to the Army’s Contractors on the Battlefield Integrated Concept Team (CoB ICT), system contractors “support deployed operational forces under pre-arranged contracts ... they support specific materiel systems throughout the system’s life cycle during both peacetime and contingency operations.”⁹

Another type of contractor is the contingency contractor which provides a variety of support services mainly during hostile situations. Contingency contractors usually provide generic logistics support, such as providing “goods, services, and minor construction ... to meet the immediate needs of operational commanders.”¹⁰ Many of these types of contractors are foreign companies providing support. Additionally, the main function of contingency contractors is to “support deployed operational forces under pre-arranged contracts or under contracts awarded within the mission area.”¹¹

The third type of contractor is external support contractors which provides “support to deployed operational forces that is separate and distinct from either theater support or systems contractors.”¹² Examples of these types of contractors are the Civil Reserve Air Fleet (CRAF) and commercial sealift operations supporting theater operations.

BENEFITS OF USING CONTRACTORS

There are many reasons why contractors are used in military operations. However, this paper is not about whether contractors are needed in military operations, because that issue is beyond the scope of this paper. The cuts in military personnel coupled with the increasing complexity of military weapon systems has led to the use of contractors as a

viable source of skilled manpower. During Desert Storm, one reason for using contractors was due to “the non-availability of trained military technicians with all the skills to accommodate all the maintenance requirements, there was no viable option other than to use contractors to supplement the ‘green-suit’ maintenance [effort].”¹³ In a book titled *Moving Mountains: Lessons in Leadership and Logistics from the Gulf War*, Lieutenant General Pagonis describes the main reason for using contractors is because “our limited-and-precious transport space should be reserved for combat troops, and for those supplies, such as weapons and ammunition, that could not be procured in theater.”¹⁴

In an article titled *Institutionalizing Contractors on the Battlefield*, the authors state that contractors “can be effective force multipliers” and that they “can extend existing military capability, provide alternative sources of supplies and services, or provide capabilities for which no military capability exists.”¹⁵ An example that illustrates the importance of contractors and the need to integrate them into the military is from a briefing developed for the CoB ICT. The final briefing slide displays the motto “Contractors on the Battlefield ... Part of the Army’s History ... Part of the Army’s Future ... Members of the Force Projection Logistics Team.”¹⁶

Another benefit contractors provide to the United States military is from a political aspect. The United States has historically been able to deploy contractors to the combat arena above the authorized numbers set by congressionally mandated force limits. For example, during the Vietnam War, the United States deployed over eighty thousand contractor civilians to the Area of Operations that exceeded congressionally mandated force limits.¹⁷ During Desert Storm, decisions were made to initially deploy only combat elements and contract civilians, because contractors “did not count against the ceilings

placed on the number of deployed troops.”¹⁸ Furthermore, during the Kosovo crisis, the United States deployed over two thousand contractor civilians to the combat zone, which were also above force limits mandated by Congress.¹⁹

WHERE THE MILITARY IS HEADING

Another issue that the United States military is facing concerns the loss of maintaining organic capability. For example, the Aerospace Guidance and Meteorology Center is now completely contractor based.²⁰ Some other new initiatives under review are software maintenance for the B-2 stealth bomber and flight-line maintenance of the F-117 stealth fighter.²¹ In addition, there are numerous other functions which are currently under consideration or are being implemented. Some of these functions include management of base operations, warehouse management, housing maintenance, transportation, precision measurement equipment laboratory functions, long-shore capability, water port operations, stock item management, and direct delivery of system components.²² Additional tasks are vertical helicopter replenishment, delivery and management of ammunition, laundry, bath facilities management, clothing repair, base operations, construction, real estate management, water treatment, disposal, technical representatives, and other functions for which limited or no military capability exists.²³

In June of 1999, the Office of Management and Budget published new guidelines for what military jobs contractors can handle. According to Jayson Spiegel, the executive director for the Reserve Officers Association, “as many as 400,000 military jobs could be given to contractors.”²⁴ However, a Pentagon official estimated the number of jobs that could be awarded to contractors was “no more than 50,000.”²⁵ In contrast, the services had previously announced plans to study contracting up to 229,000 positions.²⁶

The issue of contractors performing military tasks is not unique to the United States. In Great Britain, the Royal Air Force is considering contracting out their search and rescue helicopter mission that rescues downed airmen. The helicopters would be flown by civilian pilots and maintained by civilian technicians.²⁷ Additionally, in Canada, the Canadian Forces are competing maintenance and logistic support for their helicopter search and rescue mission to contractors.²⁸ A Canadian officer questioned "What happens to a search-and-rescue mission if your maintainers are on strike? Is your helicopter even going to be in shape to be airborne? What happens to those people waiting to be rescued?"²⁹ These same questions are all possibilities that the United States military needs to be prepared to face. David Rudd, the executive director of the Canadian Institute of Strategic Studies, points out "in alternate service delivery, whatever afflictions the private sector has, such as strikes, can come back and bite you."³⁰

MOVEMENT TOWARDS OPERATIONAL ROLES

The roles contractors are performing are becoming more and more operational. In an article by Colonel Charles Dunlap, Jr., a Staff Judge Advocate at Central Command Air Forces, he states the Air Force "has openly announced its intention to use civilians operationally."³¹ Colonel Dunlap refers to the Air Force vision statement, *Global Engagement: A Vision of the 21st Century Air Force*, which states "the Air Force is committed to outsourcing and privatizing many functions now performed internally. The force will be smaller. Non-operational support functions will increasingly be performed by Air Force civilians or contractors."³² Although this quote states functions performed by contractors will be non-operational, the vision statement contradicts itself by stating

“In the future, any military or civilian member who is experienced in the employment and doctrine of air and space power will be considered an operator.”³³

There are many examples of contractors performing roles that could be considered operational combat roles. During Desert Storm, contractors flew on operational Joint Surveillance Target Attack Radar System (JSTARS) missions and transmitted targeting data directly to weapon shooters. Additionally, of the 76 contractor companies that deployed in support of the Army to Desert Storm, 34 individuals working for these companies actually accompanied combat units into Iraq and Kuwait during the 100 hour ground war.³⁴ These contractors were supporting front-line combat systems which fought in direct combat with enemy forces to include: Army TOW missiles, Patriot missiles, “Fox” nuclear, biological, chemical detection vehicles, Bradley Fighting Vehicles, M1 Tanks, M1A1/2 Tanks, and OH-58 D Helicopters.³⁵

LEGAL ISSUES AND RAMIFICATIONS

The laws of warfare that govern the status of personnel in combat are known as the laws of armed conflict. The laws of armed conflict were developed for the international community and trace their history to the 1907 Hague Convention and the 1949 Geneva Convention.³⁶ There are three personnel categories covered by these conventions that are of particular concern to the military. These categories are combatants, noncombatants, and illegal (unlawful) combatants.

Combatants are members of the armed forces that participate in direct hostilities with enemy forces.³⁷ Noncombatants are personnel who accompany the armed forces, but are not members of the armed forces provided they received authorization from the armed forces that they accompany.³⁸ Noncombatants must also refrain from direct support of

hostile actions.³⁹ Illegal combatants are personnel who are not members of the armed forces who participate in hostilities.⁴⁰ Under international law, if noncombatants and combatants are captured, they are entitled to be protected as prisoners of war.⁴¹

International law does recognize that contractors and civilians can be present in the combat area.⁴² However, if a contractor is captured, they are entitled to protective status as prisoners of war if, and only if, they abstain from hostile acts.⁴³ If a contractor is captured and directly participates in hostile acts, the contractor is considered an illegal combatant.⁴⁴ In other words, when contractors are serving in a purely support role, they would be considered noncombatants and are entitled to protection status under the laws of armed conflict.

One illustration that exemplifies the dilemma concerns the noncombatant status of contractors who will be operating the remotely piloted vehicle, Dark Star, during combat. In a legal opinion on the issue, Mr. W. Darrell Phillips, Chief of the International and Operational Law Division at the Air Force Judge Advocate General School, determined that contractors who operate these vehicles are operators who risk losing their noncombatant status and could be considered illegal combatants.⁴⁵ Furthermore, because these contract civilians could lose their noncombatant status, they could become "a legitimate object of attack."⁴⁶ Moreover, these contractors would be liable for trial as unlawful combatants or war criminals.⁴⁷

Another example of the combatant versus noncombatant issue concerns the United States Navy who is considering contracting supply functions aboard aircraft carriers that are deemed warships. In a memorandum concerning civilian manning on warships, Captain Tom Connelly, Assistant Judge Advocate General for Civil Law for the United

States Navy, states "warships are vessels entitled to exercise full belligerent rights in naval warfare."⁴⁸ He points out that, over the years, a "vexing" issue for legal scholars has been determining when civilians are taking direct part in hostilities, but "the determination is not difficult in this case."⁴⁹ In addition, Captain Connelly states these particular civilians on warships "would be taking the place of uniformed sailors...and these personnel are clearly not noncombatant civilians."⁵⁰ Moreover, "the law of armed conflict status of these personnel is that of an illegal combatant" and if they are captured, enemy forces could "prosecute those personnel for murder if they could establish that the personnel served aboard a warship that had attacked and killed some of their personnel."⁵¹

The key issue concerning the United States military is the increasing role of contractors who deploy in support of military operations and their legal implications. As argued above, many of the roles contractors perform during combat operations can be determined to be operator roles instead of traditional support roles and this will continue to be an issue in future hostilities.

POTENTIAL PROBLEMS AND ISSUES

As discussed earlier, the military's reliance on contractors is extremely high. The debate of whether the military continues to use contractors on the battlefield is no longer an issue, but many issues still need to be addressed. It is important for the military to ensure all issues and problems are addressed and covered by procedures and plans. For instance, planning should include legal, contracting, command and control, and training factors.

Support During Hostilities

Twelve years ago, in 1988, the DoD Inspector General released a report that identified four major issues the military faces when deploying contractors to hostilities:

- a. There is no capability that exists to ensure continued contractor support for emergency-essential services during mobilization or hostilities.
- b. There is no legal basis to compel contractors to perform.
- c. There are no means to enforce contractual terms.
- d. There is no central oversight of contractors for emergency-essential services.⁵²

An enormous amount of work has been accomplished which addresses these four areas; however, the military does not have solutions that adequately cover all of the areas. The only issue that has been adequately addressed concerns the central oversight of contractors.⁵³ Currently, Joint Publication 1-0, tasks the personnel directorate to coordinate timely and effective personnel support to include contractors.⁵⁴

To begin with, the issue concerning the lack of methods to ensure continued contractor support during hostilities has still not been completed. A follow up report to the 1988 DoD Inspector General report was released by the DoD Inspector General in 1991. The follow up report stated "DoD Components cannot ensure that emergency-essential services performed by contractors would continue during hostile crisis or hostile situations. Such a loss of contractor support on sensitive military equipment and systems would have a degrading effect on the Armed Forces capability in a protracted war effort."⁵⁵ An example of the potential problems the United States military could face is illustrated by the strike at the Canadian Forces Goose Bay military base by employees of

a civilian contractor who perform non-military operations. The strike lasted five weeks and shut down all low-level military flying by NATO and Canadian aircraft.⁵⁶

Secondly, the issue concerning the lack of a legal basis to compel contractors to perform has also not been completed. An information paper by the Department of the Army, Assistant Secretary of the Army, Installation, Logistics, and Environment, stated "contractors providing services designated as essential are expected to use all means at their disposal to continue to provide such services, in accordance with the terms and conditions of the contract, during periods of crisis."⁵⁷ Emphasis should be placed on the word "expected," because there is no legal obligation for contractors to remain during hostilities. The lack of a legal obligation for contractors to remain during hostilities was noted in two reports released by the Congressional House Committee on Government Operations. These reports stated contingency clauses for conflicts did not constitute an obligation for employees to continue providing functions during hostilities.⁵⁸

Lastly, the issue concerning the lack of available means to enforce contractual terms is still not completed. A report by the Logistics Management Institute stated, the DoD did "not have statutory authority to compel them [contractors] to perform functions in direct support of forces engaged in conflict."⁵⁹ The report further added, "there is no way to reliably compensate for the loss of civilians during the early stages of hostilities."⁶⁰ Even in 2000, there is still no legal method available, to include changing U.S. law, which would force contractors to perform functions involuntarily. LCDR Glenn T. Ware of the US Navy's Operational Law Department, stated forcing contractors to perform is:

"highly improbable ... there cannot be involuntary servitude in the United States. Even a contractor who agreed to perform a certain function could walk away and breach the contract. The government could sue for breach and ask a judge for

"specific performance" (order to perform), but even if the contractor failed to perform, it would not be criminal, they could just walk away."⁶¹

The military can not afford to be left without the critical skills of contractors if contractors quit or leave during hostilities. Each one of these issues has important implications for the military. This dilemma is not just a product of rumors. Many articles, discussions, and studies have been completed concerning the issue of contractors remaining in the battlefield during hostilities and the general consensus is similar. For instance, an official after action study commissioned by the Department of the Army on Desert Storm stated; "It is questionable whether the civilians would have remained when the bullets started flying."⁶² "There were a few instances of contractors ... wanting to leave the theater because of the dangers of war. However, many people have doubts about how long they would have stayed if the operation had become costly in lives."⁶³ A historical example that illustrates the dilemma concerns the "mass exodus of civilians" which departed when hostilities occurred during the 1976 "tree-cutting" incident in South Korea along the Demilitarized Zone.⁶⁴

Responsiveness and Flexibility

Joint Publication 4-0 states that two of the principles of logistics are responsiveness and flexibility.⁶⁵ However, using contractors could actually decrease the responsiveness and flexibility of logistics because contractors are contractually obligated to perform only functions listed in their statement of work (SOW). This means commanders would have to ensure every possible option for every possible contingency is included in the contract. This is a very difficult task to undertake. If the need were to arise, contract modifications would have to be accomplished in the middle of combat.

Command and Control Issues

Another potential problem area concerns command and control issues associated with contractors deploying to the battlefield. Contractors are not commanded, they are managed by the contract that they are supporting. However, punishment normally resides with the contractor's company. The only action commanders can take is administrative punishment, such as rescinding exchange privileges, revoking any special status, or by reporting them to their employer.⁶⁶ In extreme cases, the commander can direct the removal of a contractor from the theater.⁶⁷ Additionally, contractors are not subject to the Uniformed Code of Military Justice.⁶⁸

One problem concerning contractors occurred in Kosovo when military commanders "attempted to direct the contractor to perform work."⁶⁹ In some instances, military leaders believed contractors would respond to fragmentary orders as military personnel would and this is not the case.⁷⁰ Contractors can only be compelled to perform tasks that are listed in the statement of work of the contract they support.

The after-action report by the Army on Desert Storm stated "some people perceived a lack of clear command and control over contractors. Army units had difficulty determining who had management control over the contractors."⁷¹ An example of the lack of clear command and control over contractors occurred in Bosnia when some contractors from a specific corporation violated the off-base restriction rule and went "off base to drink and go to a brothel."⁷² This violation occurred when extremely tight base restrictions were in place due to the possibility of terrorist actions.

Differing Service Guidance

In modern day warfare, the United States continues to deploy forces from each service to theaters of operation. Due to the interoperability factors which commanders must deal with, joint procedures should be available that cover all of the major issues of deploying contractors to the battlefield regardless of which component commander and service provides the contractors. Each service is currently developing guidance and policies that, in some cases, is substantially different among the services. In the Army alone, there are three field manuals, three Army regulations, and four policy documents that exist to govern the deployment of contractors. In the Marine Corps draft policy, dated 11 January 2000 and entitled, *Contractor Logistics Support for Ground Equipment, Ground Weapon Systems, Munitions, and Information Systems*, the Marine Corps have openly stated "the Marine Corps will make contractor logistics support decisions independent of the other services."⁷³

Wear of Uniforms

Another area of concern is whether contractors should wear military uniforms during overseas contingencies. The CoB ICT determined "putting contractor employees in Army uniforms, particularly battled (sic) related uniforms such as BDUs, inherently jeopardizes the employee's noncombatant status."⁷⁴ Although the other services have not yet released regulations regarding contractors wearing uniforms, the Air Force has issued an instruction governing the wear of uniforms for a similar type of personnel (federal employee civilians) which states the wear of military uniforms is authorized.⁷⁵ One can only postulate where the services are headed on this issue.

Issuing Weapons

One other area of concern is the problem of issuing weapons to contractors and how the weapons can be used. To begin with, the government has a moral and legal obligation to physically protect contractor personnel and their noncombatant status.⁷⁶ However, contractors can not participate in area defense or carry offensive type weapons.⁷⁷ The CoB ICT stated contractor civilians would not be issued weapons unless three conditions are met. First, operational commanders must specifically approve weapons issue. Second, the contractor's company must permit weapons issue. Third, the contractor civilian must agree to carry a weapon. Additionally, the weapon must be a defensive weapon with military specification ammunition (which limits the weapon to the M-9 pistol).⁷⁸

RECOMMENDATIONS

As this paper has discussed, there are many issues of concern when contractors deploy in support of a theater of operations. Listed below are some recommendations which will better facilitate the integration of contractors into military operations. These recommendations are aimed at alleviating potential problems the US military faces with the increasing role and number of contractors supporting military operations.

1. Train operational commanders and their staffs by providing initial contracting awareness training. This training should provide a general knowledge of the contracting process to include an understanding that contracts must be modified prior to tasking a contractor to perform tasks outside the contract scope. To ensure contractor expectations are understood, both groups of personnel need to receive in depth training on the scope of the contract, mission, and purpose.

Additionally, officers should receive training when attending professional military education and technical training on the use of contractors in military operations.

2. Ensure contractors are fully integrated into theater contingency plans to guarantee all requirements and contractor related issues are addressed. Additionally, contractor personnel should be listed in the Time-Phased Force and Deployment Data (TPFDD) document for the operational plans that they support.
3. Establish a joint working agency to examine all issues of contractors in the military and then develop a joint tactics, techniques, and procedures publication which covers all aspects and issues concerning the deployment of contractors. This publication should establish joint guidance that allows each service to implement their own policies in accordance with joint guidance.
4. Develop contingency plans to guarantee contractor tasks continue if a contractor fails to perform. Military operations must be capable of performing battlefield functions before contractors arrive to the theater or if contractors do not deploy.

CONCLUSION

The United States military is moving towards an even greater reliance on contractors who deploy and perform functions during military operations. These contractors are performing a wide variety of functions that have historically been performed by military personnel. Contractors are even performing operational roles on the battlefield. Due to this increase in scope and reliance, the military must institutionalize changes in procedures and training. By better understanding the history of contractors supporting military operations, modern day efforts, and potential problems, operational commanders will be better able to use contractors as force multipliers.

NOTES

¹ This statement does not insinuate contractor civilians are not loyal or devoted, it is intended to show that they are working for a corporation that pays their compensation.

² Larry L. Toler, "Civilians on the Battlefield," *Army Logistician* 26, no. 6, (1994): 3.

³ Major William W. Epley, "Contracting in War: Civilian Combat Support of Fielded Armies," (Washington D.C.: U.S. Army Center of Military History, 1989) 2-5.

⁴ This paper refers to contract civilians and not federal civilians, which is outside the scope of this paper.

⁵ "Vietnam: How business fights the 'war by contract,'" *Business Week*, 5 March 1966, 58. (hereafter cited as *Vietnam by contract*)

⁶ George B. Dibble, Charles L. Horne, III, and William E. Lindsay, *Army Contractor and Civilian Maintenance, Supply, and Transportation Support During Operations Desert Shield and Desert Storm* (Bethesda: Logistics Management Institute, 1993), iii, AR113-01RD1. (hereafter cited as *Army Contractor Support during Desert Shield/Storm*)

⁷ Ron Laurenzo, "When Contractors Work the Front Lines," *Defense Week* (5 April 1999): 8.

⁸ Lieutenant General Paul J. Kern, "Contractors On The Battlefield," presented to the AUSA Winter Symposium, Army Acquisition Corps, 19 February 1999; [briefing on-line] available from http://www.cascom.army.mil/rock_drill/c_contractors_on_the_battlefield/ausa_symposium/sarda_briefing/sld001.htm; Internet; accessed 7 February 2000.

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¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ *Army Contractor Support during Desert Shield/Storm*, G-3.

¹⁴ Lieutenant General William G. Pagonis and Jeffrey Cruikshank, *Moving Mountains: Lessons in Leadership and Logistics from the Gulf War* (Boston: Harvard Business School Press, 1992), 107.

¹⁵ Joe A. Fortner and Ron Jaeckle, "Institutionalizing Contractors on the Battlefield," *Army Logistician* 30, no. 6, (1998): 11.

¹⁶ "Contractors on the Battlefield Rock Drill and ICT," 17 May 1999 [briefing on-line]; available from http://www.cascom.army.mil/rock_drill/c_contractors_on_the_battlefield/AUSA_Symposium/; Internet; accessed 7 February 2000.

¹⁷ Colonel Steven J. Zamparelli, "Contractors on the Battlefield: What Have We Signed Up For?," (Research Report, Air War College, 1999), 8. (hereafter cited as *What Have We Signed Up*)

¹⁸ *Army Contractor Support during Desert Shield/Storm*, 2-1.

¹⁹ *What Have We Signed Up*, 8.

²⁰ Ibid, 12.

²¹ Katherine McIntire Peters, "Cashing In On Contractors," *Government Executive* (June 1996): 56.

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- ²² Major James E. Althouse, "Contractors on the Battlefield: What Doctrine Says, and Doesn't Say," *Army Logistician* 30, no. 6, (1998): 14.
- ²³ Ibid.
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- ²⁶ Ibid.
- ²⁷ Michael Evans, "MoD Ready to Privatised (sic) RAF Rescue Service," *Times (London)*, 25 November 1999, np.
- ²⁸ David Pugliese, "Contract Threat to Copter Searches," *Gazette (Montreal)*, 23 August 1999, 13(D).
- ²⁹ Ibid.
- ³⁰ Ibid.
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- ³⁴ *Army Contractor Support during Desert Shield/Storm*, 2-5.
- ³⁵ Ibid.
- ³⁶ Toler, 4.
- ³⁷ Geneva Convention, Protocol I, Article 43(1), (August 1949).
- ³⁸ *Annotated Supplement to the Commander's Handbook on the Law of Naval Operations* (Newport, 1997), 5-7.
- ³⁹ Ibid. 5-8.
- ⁴⁰ *Army Operational Law Handbook*, JA 422; 5-6.
- ⁴¹ Air Force Pamphlet 110-31. *International Law--The Conduct of Armed Conflict and Air Operations*, November 1976, 3-3.
- ⁴² Dunlap, 33.
- ⁴³ *Annotated Supplement to the Commander's Handbook*, 5-8.
- ⁴⁴ Ibid.
- ⁴⁵ W. Darrel Phillips, Chief, International and Operational Law Division, Air Force Staff Judge Advocate School, Memorandum (13 April 1998), 1.
- ⁴⁶ Ibid.
- ⁴⁷ Ibid.
- ⁴⁸ Connelly, 3.
- ⁴⁹ Ibid.
- ⁵⁰ Ibid.
- ⁵¹ Ibid. 4.
- ⁵² Department of Defense Inspector General, *Audit Report on Civilian Contractor Overseas Support During Hostilities*, (Report Number 91-105), 26 June 1991, 1-30. hereafter cited as *Audit Report on Contractors*)
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- VIII-11. See also Joint Chiefs of Staff, *Joint Doctrine for Personnel Support to Joint Operations*, Joint Publication 1-0 (Washington, D.C.: U.S. Joint Chiefs of Staff, 19 November 1998), V, III-4. See also Joint Chiefs of Staff, *Doctrine for Logistics Support of Joint Operations*, Joint Publication 4-0 (Washington, D.C.: U.S. Joint Chiefs of Staff, 27 January 1995), II-5, III-4, B-5.
- ⁵⁴ Joint Publication 1-0, V.
- ⁵⁵ *Audit Report on Contractors*, i.
- ⁵⁶ Pugliese, 13(D).
- ⁵⁷ Department of the Army, Assistant Secretary of the Army, Installation, Logistics, and Environment, SAIL-LOG, Information Paper, 23 October 1997, 1.
- ⁵⁸ Congress, House, Committee on Government Operations, Legislation and National Security Subcommittee, *Civilian Support of Defense Department Weapon Systems During Hostilities*, 98th Cong., 2nd sess., 14 March 1984. See also Congress, House, Committee on Government Operations, Legislation and National Security Subcommittee, *Essential Civilian Support of DoD Frontline Weapon Systems Is Not Assured*, 98th Cong., 2nd sess., 2 August 1984.
- ⁵⁹ *Ibid.* v.
- ⁶⁰ Kaiser and Fabro, 3-14.
- ⁶¹ Lieutenant Commander Glenn Ware, US Navy Operational Law Department; "Input from Navy International Lawyer on proposed recommendation in your paper;" Electronic mail. (3 February 2000), 1.
- ⁶² *Army Contractor Support during Desert Shield/Storm*, G-5.
- ⁶³ *Ibid.*
- ⁶⁴ Kaiser and Fabro, 3-12.
- ⁶⁵ Joint Publication 4-0, II-1.
- ⁶⁶ Fortner and Jaeckle, 13.
- ⁶⁷ *Ibid.*
- ⁶⁸ Toler, 5.
- ⁶⁹ Lieutenant Colonel Darrel A. Williamson, "Contracted Logistics in Bosnia," *Army Logistician* 30, no. 3, (1998): 22.
- ⁷⁰ *Ibid.*
- ⁷¹ *Army Contractor Support during Desert Shield/Storm*, G-5.
- ⁷² Susan C. Foster, "Contractors on the Battlefield: Force Multipliers or Detractors," (Research Project, Army War College, 1998), 22.
- ⁷³ Marine Corps Order 4200.XX (Draft). *Contractor Logistics Support for Ground Equipment, Ground Weapon Systems, Munitions, and Information Systems*, 11 January 2000. 5G.
- ⁷⁴ "Contractors on the Battlefield Integrated Concept Team Issues and Answers," 28 April 1999 [document on-line]; available from http://www.cascom.army.mil/rock_drill/c_Contractors_on_the_Battlefield/Integrated_Concept_Team/; Internet; accessed 7 February 2000. (hereafter cited as *Team Issues and Answers*)
- ⁷⁵ Air Force Pamphlet 10-231. *Federal Civilian Deployment Guide*, 1 April 1999. 3-9.
- ⁷⁶ *Ibid.* np.
- ⁷⁷ *Ibid.* np.
- ⁷⁸ *Team Issues and Answers*, np.

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Contractors Deployed in support of the US Army during Desert Storm¹
76 total²

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| ARINC Research Corporation | Litton Data Systems, Inc. |
| AYDIN Corporation | Lockheed Support Systems, Inc. |
| Aeromaritime Mediterranean Corporation | Loral, Inc. |
| Allison Gas Turbine Division | MILTOPE Corporation |
| Automated Research Systems, Inc. | Mack Trucks, Inc. |
| Beech Aerospace Service, Inc. | ManTech Field Engineering Corporation |
| Bell Helicopter Textron Inc. | Martin Marietta Corporation |
| Boeing Helicopters, Inc. | McDonnell Douglas Electronic Systems Company |
| Brown International Corporation | McDonnell Douglas Helicopter Company |
| CCL, Inc. | Motorola Incorporated |
| COBRO Corporation | Northrop, Inc. |
| Cincinnati Electronics Corporation | Oshkosh Truck Corporation |
| DynCorp, Inc. | Pentastar Electronics, Inc. |
| Electronics & Space Corp. | Petroleum Helicopter Company |
| Everett Equipment, Inc. | Raytheon Corporation Missile Systems Division |
| FMC Corporation | Rockwell International Corporation |
| GE Defense Systems Division | Rockwell Tactical Systems Division |
| GE-ASD, Inc | SERV-AIR, Inc. |
| GTE Government Systems Corporation | Sanders, Inc. |
| General Dynamics Land Systems Division | Scientific Atlantic, Inc. |
| General Dynamics Services Company | Shorts Brothers, Inc. |
| General Electric Aerospace, Inc | Sikorsky Aircraft Division |
| General Electric Company | Sikorsky International Products, Inc. |
| General Instruments, Inc. | TRI-EX Tower Corporation |
| Honeywell | Task Research, Inc. |
| Honeywell Military Avionics Division | Teledyne Continental Motors, Inc. |
| Howell, Inc. | Textron Lycoming, Inc. |
| Hughes Aircraft Company | Willbros Butler Engineers, Inc. |
| ITT, Inc. | |
| Johnson Controls World Services, Inc. | |
| Kaman Sciences Corporation | |
| Laguna Industries, Inc. | |
| Librascope, Inc. | |

¹ George B. Dibble, Charles L. Horne, III, and William E. Lindsay, *Army Contractor and Civilian Maintenance, Supply, and Transportation Support During Operations Desert Shield and Desert Storm* (Bethesda: Logistics Management Institute, 1993), iii, AR113-01RD1.

² The actual number was 76, but some contractors performed functions under multiple contracts.